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Date \_\_\_\_\_  
By \_\_\_\_\_

Inst. No. \_\_\_\_\_  
POLK COUNTY, IOWA  
FILED FOR \_\_\_\_\_  
KATHLEEN SHINE  
By \_\_\_\_\_

GRANT OF AMENITY EASEMENT

PARTY

Iowa Realty Co., Inc., an Iowa corporation, hereinafter referred to as "Iowa Realty", with principal address at 3521 Beaver Avenue, Des Moines, Iowa, does hereby make the following grant of easement:

RECITALS

1. Iowa Realty is the owner of the following described real property which is a part of what was formerly the Fort Des Moines Army Post:

Commencing at the North 1/4 Corner of Section 33T78NR24 West of the 5th P.M., Des Moines, Polk County, Iowa, thence S90°00'W, along the North line of the N.E. 1/4 of said Section 33, 313.55 feet, thence S82°37'3/4"E, parallel to and 813.55 feet East of the West Line of the N.E. 1/4 of said Section 33, 50.0 feet, to the Point of Beginning, thence continuing S0°37'3/4"E, 400.5 feet, thence N90°00'W, 108.0 feet, thence S0°37'3/4"E, 969.5 feet, thence N90°00'E, parallel to and 1420.0 feet South of the North Line of the N.E. 1/4 of said Section 33, 1932.5 feet, to the East Line of the N.E. 1/4 of said Section 33, thence N0°37'1/2"W, along said East Line, 1370.0 feet, thence N88°00'W, parallel to and 50.0 feet South of the North Line of the N.E. 1/4 of said Section 33, 1824.6 feet, to the point of beginning. Said tract of land being subject to and together with any and all easements of record.

2. Iowa Realty developed the following parcel of the above-described property into an apartment complex known as LANDMARK PHASE I, TO-WIT:

The East 483.0 feet of the South 966.15 feet (as measured on the East Line thereof, and being the South 966.15 feet, as measured on the West Line thereof) of a tract of land described as commencing at the North 1/4 Corner of Section 33T78NR24 West of the 5th P.M. Des Moines, Polk County, Iowa, thence N90°00'E, along the North Line of the N.E. 1/4 of said Section 33, 313.55 feet, thence S0°37'3/4"E, parallel to and 813.55 feet East of the West Line of the N.E. 1/4 of said Section 33, 50.0 feet, to the Point of Beginning, thence continuing S0°37'3/4"E, 400.5 feet, thence N90°00'W, 108.0 feet, thence S0°37'3/4"E, 969.5 feet, thence N90°00'E, parallel to and 1420.0 feet South of the North Line of the N.E. 1/4 of said Section 33, 1932.5 feet, to the East Line of the N.E. 1/4 of said Section 33, thence N0°37'1/2"W, along said East Line, 1370.0 feet, thence N90°00'W, parallel to and 50.0 feet South of the North Line of the N.E. 1/4 of said Section 33, 1824.6 feet, to the Point of Beginning. Said tract of land being subject to and together with any and all easements of record, and also being subject to and together with a Ingress and Egress and Driveway Easement over and across the following described tract of land, beginning 1047.50 feet West of and 50.0 feet South of the N.E. corner of said Section 33, said point of beginning being at the intersection of the Center Line of a 60.0 feet wide Ingress and Egress and Driveway Easement with the South Right-Of-Way Line of Army Post Road, as it is presently established,

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33 x N. 33rd St. 7/11

thence South, parallel to and 1047.50 feet West of the East line of the N.E. 1/4 of said Section 33, 432.5 feet, more or less, to the Center Line of a East-West Street, on the North Side of the Old Parade Grounds in Fort Des Moines, said street locally known as Dickman Avenue, thence East, along the Center Line of said Dickman Avenue, 1047.5 feet, to the East Line of the N.E. 1/4 of said Section 33, and to the end of said 60.0 feet wide Ingress and Egress and Driveway Easement.

3. United Federal Savings and Loan Association of Des Moines, Iowa, is the holder of a first mortgage on the property described in Recital 2 above, which mortgage appears of record in Book 4596 Page 463, Polk County, Iowa Recorder's records.

mtg Released

4. Iowa Realty intends to extend the apartment complex onto the following described real property, which is contiguous to the property described in Recital 2 above on the West, to-wit:

The West 465.0 feet of the East 948.0 feet of the South 965.15 feet (as measured on the East Line thereof, and being the South 967.15 feet, as measured on the West Line thereof, of a tract of land described as commencing at the North 1/4 Corner of Section 33T78NR24 West of the 5th P.M. Des Moines, Polk County, Iowa, thence N90°00'E, along the North Line of the N.E. 1/4 of said Section 33, 813.55 feet, thence S0°37'3/4"E, parallel to and 813.55 feet East of the West Line of the N.E. 1/4 of said Section 33, 50.0 feet, to the Point of Beginning, thence continuing S0°37'3/4"E, 400.5 feet, thence N90°00'W, 108.0 feet, thence S0°37'3/4"E 969.5 feet, thence N90°00'E, parallel to and 1420.0 feet South of the North Line of the N.E. 1/4 of said Section 33, 1932.5 feet, to the East Line of the N.E. 1/4 of said Section 33, thence N0°37'1/2"W, along said East Line, 1370.0 feet, thence N90°00'W, parallel to and 50.0 feet South of the North Line of the N.E. 1/4 of said Section 33, 1824.6 feet, to the Point of Beginning. Said tract of land being subject to and together with any and all easements of record, and also being subject to and together with a Ingress and Egress Easement and Driveway Easement over and across the following described tract of land, beginning 1047.5 feet West of and 50.0 feet South of the N.E. Corner of said Section 33, said point being the Intersection of the Center Line of a 60.0 feet wide Ingress and Egress Easement with the South Right-of-Way line of Army Post Road, as it is presently established, thence South, parallel to and 1047.5 feet West of the East Line of the N.E. 1/4 of said Section 33, 432.5 feet, more or less, to the Center Line of a East-West Street, on the North Side of the Old Parade Grounds, in Fort Des Moines, said street locally known as Dickman Avenue, thence East, along the Center Line of said Dickman Avenue, 1047.5 feet, to the East Line of the N.E. 1/4 of said Section 33, and to the end of said 60.0 feet wide Ingress and Egress Easement.

which extension and development shall be known as LANDMARK PHASE II. United Federal Savings and Loan Association of Des Moines, Iowa, is the holder of a first mortgage on Landmark Phase II, which mortgage appears of record in Book 4726 Page 290 of the Polk County, Iowa Recorder's records.

mtg Released

5. Iowa Realty hereby wishes to establish for the benefit of both Landmark Phase I and Landmark Phase II mutual cross over rights and easements for the use and enjoyment of the parking lots, driveways, swimming pools, tennis courts, playground areas and other amenities located upon the respective parcels.

CONVEYANCE

FOR VALUE RECEIVED, Iowa Realty Co., Inc., hereby conveys for the use and benefit of both Landmark Phase I and Landmark Phase II, legally described in Recitals 2 and 4 above, mutual cross-over rights and easements to permit the apartment dwellers in Landmark Phase I to use the driveways, parking lots, swimming pools, tennis courts and other amenities located on Landmark Phase II and a like easement and benefit is hereby created for Landmark Phase II apartment dwellers to use the driveways, parking lots, swimming pools, tennis courts, playground areas and other amenities located on Landmark Phase I.

This grant and easement shall expire upon the release and satisfaction of both of the aforesaid mortgages.

IOWA REALTY CO., INC.

By

*William C. Knapp*  
William C. Knapp - President

State of Iowa  
SS:  
County of Polk

On this 23rd day of August, 1977, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared William C. Knapp, to me personally known, who being by me duly sworn, did say that he is the President of Iowa Realty Co., Inc., the corporation executing the within and foregoing instrument; that no seal has been procured by the corporation; that said instrument was signed on behalf of the corporation by authority of its Board of Directors; and that the said William C. Knapp, as such officer, acknowledged the execution of such instrument to be the voluntary act and deed of the corporation by it and by him executed.

*Wilma C. Heff*  
Wilma C. Heff, Notary Public  
in and for the State of Iowa  
September 30, 1977